

March 21, 2013

To members of the House Judiciary Committee:

Representative Cotter, other bill sponsors and cosponsors, and committee members:

On behalf of The Arc Michigan and several other advocacy organizations for persons with developmental disabilities and their families<sup>(1)</sup>, I am writing to express concerns about HB 4382-4384. These enable a guardian under the Estates and Protected Individual Code (EPIC) to execute a Do Not Resuscitate (DNR) Order on behalf of an individual. These are our concerns:

- It is very difficult to allow a surrogate decision maker (who may not even know the person well) to make end-of life decisions for someone who is unable to make or express their wishes.
- The Michigan Attorney General (Opinion 7056) ruled that guardians of people with developmental disabilities could not execute a DNR on behalf of a person with developmental disabilities after several egregious instances of guardians putting DNRs in place when the individuals were neither terminal nor ill.
- Guardians, who do not have a personal relationship with the ward, may not value the individual's quality of life. We are all rather quick to make judgments about quality of life when the life belongs to someone else, but people who are sick, disabled or even dying are most often eager to continue their lives.
- Guardians who may benefit financially from a ward's death would have a means to hasten that death.
- If it passed, the bill might increase the number of guardianships secured solely to hasten an individual's end of life.

At this time, we recommend the following specific changes to the bill package:

- The bills should be amended to specifically state that the definition of Guardian does NOT include guardians appointed under the Mental Health Code.
- The bills should be amended to require verification from two physicians that the individual is terminally ill.





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Don Teegarden, President

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We look forward to working with you and your colleagues to improve the bills, making crystal clear how they do and do not relate to Michigan's citizens with developmental disabilities.

Dohn Hoyle  
Executive Director  
The Arc Michigan

<sup>(1)</sup>Epilepsy Foundation of Michigan, Autism Society of Michigan, Michigan Disability Rights Coalition, Developmental Disabilities Institute at Wayne State University, Michigan Protections and Advocacy Services, Michigan Developmental Disabilities Council, United Cerebral Palsy Michigan

